

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ST. PAUL FIRE AND MARINE
INSURANCE COMPANY,**

Plaintiff,

v.

**THEODORE F. LABUZAN and
DEEANN S. LABUZAN,**

Defendants.

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Civil Action No.

H-05-3811

**AGREED MOTION FOR JUDGMENT
AGAINST DEFENDANT THEODORE F. LABUZAN**

Plaintiff, St. Paul Fire & Marine Insurance Company (the "Surety") and Defendant Theodore F. Labuzan ("Labuzan," and together with the Surety, the "Parties"), file this motion to enter a judgment against Labuzan in favor of the Surety and to dismiss the cause with prejudice, and in support thereof, the Parties respectfully state as follows:

1. On April 3, 2010, the Parties reached an agreement in the above-referenced cause. Labuzan has agreed to a judgment against him in the amount of \$5,000,000.00, with post-judgment interest to accrue at a rate of 1.54%. In addition, Labuzan has agreed to a dismissal of all claims against the Surety with prejudice.

2. Pursuant to the agreement of the Parties, the Parties request the Court enter the judgment attached hereto as Exhibit "A," render a judgment against Labuzan, dismiss all claims of Labuzan against the Surety with prejudice, and tax any costs against the party that incurred them.

REQUEST FOR RELIEF

FOR THESE REASONS, Plaintiff St. Paul Fire & Marine Insurance Company and Defendant Theodore F. Labuzan, respectfully request this Court enter a judgment against Labuzan in the amount of \$5,000,000, dismiss all claims of Labuzan against the Surety with prejudice, and tax any costs against the party that incurred them..

Respectfully submitted,

LANGLEY WEINSTEIN HAMEL LLP

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Agreed:

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